THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13838 of 20051

Dated:14.09.2006

Between
T.Subba Rama Naidu

…..Petitioners

and

1.Government of AP rep., by its
Secretary,Agriculture and Cooperation,
A.P.Secretariat, Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13838 of 2005

ORDER:

This writ petiton is filed seeking a Mandamus to declare the action of the 3rd respondent in issuing the impugned proceedings dated 17.5.2005 in Rc.No.1005/2005/C as arbitrary and illegal.

It appears that the petitioner was President of Bheemavarappadu Primary Agricultural Cooperative Society, Kondayapalem Mandal, Nellore district during the period from 1995-2000. The 5th respondent is the Secretary of the said society. While so, an inspection under Section 53 of the A.P. Co-operative Societies Act (for 'short' the Act) was conducted and a report was submitted. On the basis of the said report, proceedings under Section 60 were initiated against the petitioner and the 5th respondent. While the matter stood thus, the 5th respondent seems to have made a representation to the 2nd respondent ventilating his grievance that

unless and until the enquiry under Section 51 of the Act is conducted, it will prejudice his interest, if any enquiry under Section 60 is taken up on the basis of Section 53 enquiry conducted by the Society. It seems that the 2nd respondent forwarded the representation purported to have been filed by the 5th respondent to the Commissioner for Cooperation & Registrar of Cooperative Societies, who, in turn, forwarded the same to the 3rd respondent for taking appropriate action. The 3rd respondent vide his proceedings dated 17.5.2005 appointed 4th respondent as enquiry officer to conduct *suo motu* enquiry under Section 51 of the Act against the 5th respondent alone. There was no enquiry contemplated against the petitioner herein. Even according to the petitioner, he was examined as Pw3 in the enquiry conducted under Section 51 of the Act. No notice of any kind was issued against him, asking him to explain that an enquiry is contemplated against him.

In view of the above, there is no necessity to go into any other details. The writ petition is misconceived and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

14-09-2006

rkk